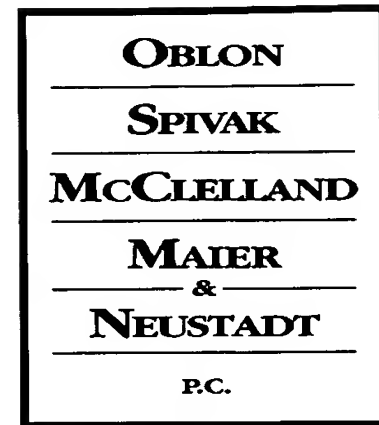




Image

1763



Docket No.: 217364US-3X

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/022,771
Applicants: Kenji OTSUKA, et al.
Filing Date: December 20, 2001
For: PRODUCTION APPARATUS FOR PRODUCING
GALLIUM NITRIDE FILM SEMICONDUCTOR AND
CLEANING APPARATUS FOR EXHAUST GAS
Group Art Unit: 1763
Examiner: R. ZERVIGON

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SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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DOCKET NO: 217364US-3X

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KENJI OTSUKA, ET AL. : EXAMINER: R. ZERVIGON
SERIAL NO: 10/022,771 :
FILED: DECEMBER 20, 2001 : GROUP ART UNIT: 1763
FOR: PRODUCTION APPARATUS FOR :
PRODUCING GALLIUM NITRIDE FILM
SEMICONDUCTOR AND CLEANING
APPARATUS FOR EXHAUST GAS

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated September 26, 2003, Applicants provisionally elect with traverse Group II, Claims 3-5, directed to a cleaning apparatus. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

In addition to making this election, Applicants further respectfully traverse this Restriction Requirement for at least the reason that the claims in Groups I, II, and III can be examined together with no undue burden. No undue burden is seen here since similar subject matter must be searched and considered relative to the elected Claims 3-5. Thus, under MPEP §803, "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." Therefore, since the restricted claims would appear to be

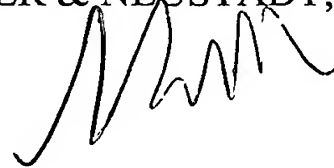
Application No. 10/022,771
Reply to Office Action of September 26, 2003

part of an overlapping search area, it is respectfully submitted that the burden of the Examiner would be minimum and the burden on the Applicants would be significant if Applicants were required to file and prosecute a separate divisional application.

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-28 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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